

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Amendment of Part 95 of the Commission's Rules ) RM = 10564  
to prohibit Daily Business Communications on )  
Family Radio Service Frequencies )

Comments Filed in Response  
to a Petition for Rulemaking

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Date: October 17, 2002

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I. BACKGROUND OF THE COMMENTER.

1. The Personal Radio Steering Group, Inc. (PRSG) is an all-volunteer, not-for-profit Michigan corporation established in 1980 by licensees in the General Mobile Radio Service (GMRS, FCC Part 95-A) to provide services to and to serve as an advocate for personal and family users of the FCC's personal radio services.

2. The PRSG has published more than 300 different guides to GMRS licensing, technology and operating practices in the various personal radio services. PRSG's flagship publication, the GMRS NATIONAL REPEATER GUIDE,

lists the more than 3,500 GMRS repeaters, their sponsors, technical characteristics and detailed coverage information. The GUIDE has become the essential reference to this cooperative, nonprofit communications network for licensed private individuals. PRSG also works closely with major land mobile equipment manufacturers to disseminate instructional materials for radio purchasers.

3. PRSG also has a continuing interest in the growth and evolution of the FRS. We also have extensive experience in evaluating the nature of interference caused by some FRS operations both to other FRS operations and to licensed GMRS operations, especially the operation of GMRS repeater stations.

## II. PETITIONER HAS NOT FULLY DESCRIBED ITS INTEREST IN THIS MATTER.

4. The petitioner is a trade association of commercial spectrum users. Agricultural, construction, manufacturing, transportation, and energy industries and mobile radio vendors are its constituency. Nothing in the petition's Statement of Interest evidences any history, expertise or standing in the Personal Radio Services. [1]

5. For a fee, the petitioner coordinates frequencies in the Private Mobile Radio Services. As FRS does not utilize formal frequency coordination, ITA and its vendor members lose revenue when users select FRS for certain of their communications.

6. The petition makes unsupported claims of spectrum congestion in FRS [2] and deviation of FRS from FCC intention. [3] Yet financial loss to the petitioner and its associates -- and not any matter of public interest -- is the gravamen and sole motivation of the Petition.

## III. THE FCC INTENDED TO PERMIT A VARIETY OF BUSINESS COMMUNICATIONS IN FRS.

7. Unlike the General Mobile Radio Service (GMRS) -- where the Commission, through specific policies, discouraged usurpation by commercial operations, the FCC expressly contemplated business use of FRS:

"Small businesses...may be users of this service in their business activities." [4]

8. Some business entities use FRS, not because of "lack of clarity in the rules" [5], but because FRS is cheaper than conventional land mobile radio -- where a myriad of coordination fees, application fees, regulatory fees, renewal fees, and higher equipment cost produce little or no improvement in the desired radio communications. Certainly, the protections afforded by licensing and FCC enforcement are necessary in some applications, but use of the unlicensed FRS is likely adequate in many others.

## IV. CLAIMS OF CONGESTION CANNOT BE EVALUATED.

9. The petition describes scenarios wherein business use of FRS precludes or interferes with personal uses. [6] These hypothetical situations do not constitute actual data derived from monitoring FRS traffic, nor are they accompanied by comments or claims by FRS users against business entities. Consequently, the petition's assertions of FRS congestion are impossible to evaluate.

10. PRSG has reviewed thousands of messages both from our subscribers and from GMRS and FRS users in general in numerous Internet fora. We also have extensive monitoring and operating experience on GMRS and FRS frequencies. There IS a general complaint that FRS congestion DOES exist in some areas. Those areas are primarily in and near sports and recreational facilities attended by the general public: sporting events, theme parks, shopping malls, and similar places where friends and family members desire to communicate with each other.

11. Characteristically, little of the congestion observed at such locations seems attributable to recurrent business or commercial operations of the type which the current Petition seeks to prohibit. Instead, the preponderance of complaints that we have observed, and that we have received from others, about such congestion and interference derives instead from FRS users' failure to monitor "open squelch" (without the masking effect of tone coding) before transmitting, and from abuse of various noise-makers nominally intended to signal a desire to initiate a contact with a friend or family member.

12. PRSG does not dispute that FRS should principally be a personal and family-oriented resource. Nor do we dispute that extensive business use can preclude or disrupt non-business use in a service. However, we conclude that routine daily use of FRS by entities eligible in the other Private Land Mobile Radio Services is not currently (and is unlikely in the foreseeable future to become) an overwhelmingly important factor in this congestion.

13. Furthermore, we concluded in the 1980s that policing of radio utterances is not a worthwhile way to segregate personal and business users. Instead, we recommended strengthening of the licensing process to emphasize individual accountability. The Commission adopted our proposal almost in its entirety in GMRS, but declined to require licensing in FRS. [7]

#### V. THE PROPOSED SOLUTION IS IMPRACTICAL AND INEFFECTIVE.

14. It should go without saying that a pronouncement by the FCC that business users should forego FRS, and select conventional mobile radio instead, would be absurdly ineffective without drastic changes to FRS radio distribution and sales. ITA has not proposed to physically restrict access to the devices only to private individuals for personal use. The petition proposes no such changes.

15. Nor does the Petition identify any practicable method to discourage daily business use of FRS, or any other measure with actual enforcement potential. As much as PRSG would like to see entities

eligible in other Private Land Mobile Radio Services license and operate instead using those services, we have to discourage adoption of any rule language which risks being entirely unenforceable and impractical.

VI. THE PROPOSED SOLUTION COULD BECOME COUNTER PRODUCTIVE AND HARMFUL.

16. There is a greater risk in proceeding in the manner requested by the Petition. If the FCC were to adopt rules so clearly unenforceable, this would risk raising the disdain of the FRS user public for all rule enforcement, including enforcement of those rules intended to protect the public from spectrum abusers. It would also risk encouraging "spectrum vigilantes" whose purpose might become to harass FRS users engaging in "business-sounding" communications.

VII. OTHER PROCEDURAL MATTERS.

16. PRSG authorizes parties replying to these COMMENTS to submit them to us by E-mail at: prsg@provide.net

17. However, all other requirements of the applicable FCC Regulations (including full personal identification and an accurate current mailing address) must still be provided.

Comments filed by: Corwin D. Moore, Jr.  
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February 13, 2002

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ENDNOTES:

[1] "Statement of Interest," Petition page 1.

[2] "The overcrowding of FRS spectrum by business use is depleting the usefulness of FRS..." Petition page 2.

[3] "[T]his use...was not the type of use originally envisioned by the Commission in the FRS band." Petition page 2.

[4] FCC Report and Order, WT Docket No. 95-102, at 20(D).

[5] Petition page 4.

[6] Petition page 4.

[7] The FCC's decision to reduce GMRS licensing to a minimalist procedure [Report and Order, WT Docket 98-20], while retaining excessive licensing fees, dramatically reduced both the value of the license and

the appetite of radio users to obtain licenses. PRSG and the GMRS user community vehemently opposed those drastic actions.

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